

REMARKS

In response to the Office Action, Applicants provide herein amendments and remarks. Claims 1-13 have been cancelled and new claims 16-30 have been added. Accordingly, claims 16-30 are pending in the application. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. 112

In the Office Action, the Examiner rejects claims 1-13 for indefiniteness. The Examiner states "it is unclear what method/process applicant is intending to encompass."

In response, Applicants have cancelled claims 1-13 and added new claims 16-30. In light of the above amendments, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under §112.

Rejection under 35 U.S.C. 101

In the Office Action, the Examiner rejects claims 1-13. The Examiner asserts that the claimed recitation of use, without setting forth any steps involved in the process, results in an improper definition of process.

In response, Applicant's have cancelled claims 1-13 and added new claims 16-30. Accordingly, Applicants respectfully request that Examiner reconsider and withdraw the rejection under §101.

Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-13 as being anticipated by WO 94/00759. The Examiner argues that WO 94/00759 discloses growth stimulation by use of the peptide GHRP-6. According to the Examiner, resistance to disease is an inherent property of GHRP-6.

Applicants respectfully traverse. There is no disclosure in WO 94/00759 that GHRP-6 could successfully be used to stimulate growth and prevent disease in fish and crustaceans, as set forth in the claims.

As of the priority date of the present application, there was neither a mode of action nor a known receptor which had been cloned and or characterized for GHRP-6 in fish or crustaceans. Presently, there is still no defined mode of action for GHRP-6 in crustaceans. Furthermore, to date no one has been able to identify, clone or characterize a growth hormone in crustaceans.

As stated in the specification on page 2, lines 16-19 and page 3, lines 30-34 in view of the lack of evidence that crustaceans utilize the signal cascade to stimulate growth, it was novel and surprising to discover that the peptide GHRP-6 can be used to stimulate growth and prevent disease in fish and crustaceans

Furthermore, Applicants respectfully note that, in WO 94/00759, the studies were conducted on mammals. WO 94/00759 does not disclose nor anticipate the effect of GHRP-6 in fish or crustaceans. The clear biological distinctions between these animal species (mammals and fish/crustaceans) highlight the lack of obviousness that mechanisms at work in mammals will function similarly in crustaceans or fish.

The examples presented in the present application are seminal. At the priority date of the present application, no one could predict that GHRP-6 could promote the growth of crustaceans. The present application is the first report that demonstrates and ensures the action of GHRP-6 in fish and crustaceans.

In view of the fact that the cited prior art does not disclose that GHRP-6 could successfully be used to stimulate growth and prevent disease in fish and crustaceans, as set forth in the claims, withdrawal of the rejection is respectfully requested.

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Serial No.: 10/501,697
Filed: April 11, 2005
Response to Non-Final Office Action Dated October 11, 2007
Page 6 of 6

New Claims

Applicants have cancelled claims 1-13 and added new claims 16-30. The new claims are directed to a method for stimulating growth and resistance to disease in fish and crustaceans and a method for preventive and therapeutic treatment of parasite infection and other disease in fish and crustaceans. Support for claims 16 and 29 may be found throughout the specification, for example, on page 4, lines 16-19. In the method, GHRP-6 is administered to fish and crustaceans in an effective amount to stimulate growth and resistance to disease.

It is believed that this application is now in condition for further consideration and examination. If resolution of any remaining issues is required prior to examination of the application, it is respectfully requested that the Examiner contact the Applicants' attorney at the telephone number listed below.

Applicants do not believe any additional fees are due in connection with this paper. If, however, any additional fees are due or any overpayment has been made, please charge or credit our Deposit Account No. 08-2461 for such sum.

Respectfully submitted,

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